

OSHA-120M

TO: Safety Directors

FROM: T. G. Grumbles

DATE: May 16, 1986

Interoffice
Communication

SUBJ: OSHA ENFORCEMENT OF HAZARD COMMUNICATION STANDARD

VISTA

Recent enforcement activity at the LCVCM Plant and the chemical industry in general clearly shows that OSHA is enforcing many portions of the Hazard Communication Standard as if it were a specification standard, as opposed to a performance standard. Specifically, many of the MSDS content and hazard determination requirements are being enforced based on OSHA interpretations that certain specific items must be present on the MSDS and in the written hazard determination for company products (i.e., ALFOLS). What does this mean to us?

Enclosed is a citation received at the VCM Plant after OSHA reviewed the hazard determination and MSDSs for plant products. Item 8 of the citation is the one which has potential impact for all locations. OSHA is interpreting the cited paragraph to mean the chemical producer must identify in a positive way on all MSDSs if a chemical is an NTP, IARC, or OSHA carcinogen. OSHA has suggested a "check box" type arrangement as being best to meet this requirement. The affect of this method for hazard communication is debatable but that's how OSHA is interpreting and enforcing the standard.

I am currently considering how to best meet this requirement for Vista product MSDSs. Several companies have contested this specific citation and this OSHA interpretation may not hold in court. If OSHA wins, the MSDSs we are using in-plant would probably have to meet this requirement as well. In anticipation of OSHA's interpretation holding I'll reissue the consolidated carcinogen list with specific source references by each carcinogen. You should be considering how to revise your in-plant MSDS's if necessary. I think Ashby has done it and could share his solution.

A revised hazard determination procedure for Vista products has recently been sent.


Thomas G. Grumbles

ajo/9

Attachment

cc WLM, MMG

VVV 000017056

Vista Chemical Company

Lake Charles VCM Plant
VCM Plant Rd., P.O. Box 605

Westlake, Louisiana 70669
Phone (318) 494-5000

CERTIFIED MAIL # 241 411 068
RETURN RECEIPT

May 9, 1986

Mr. Paul J. Hansen
Area Director
Baton Rouge Area Office
OSHA-USDOL
2156 Wooddale Blvd, Suite 200
Baton Rouge, LA 70806-1486

Dear Mr. Hansen:

This letter is to confirm our understanding of the agreed method of compliance with the citations settled on in the Informal Settlement Agreement executed on May 2, 1986 (copy attached).

Items 2 and 7 of the citation will be abated by immediately proceeding to amend the Vista MSDS to contain the OSHA Permissible Exposure Limit for Ethylene Dichloride. The abatement date was extended to June 30.

Item 5 will be abated by immediately proceeding to modify container labels for VCM Plant hazardous products by adding the company name and address to the label. Plant procedures will be implemented to assure no container leaves the workplace after the June 30 abatement date without the modified label.

Item 8 will be abated by immediately proceeding to modify the five Material Safety Data Sheets listed to indicate whether the hazardous chemical is listed in the latest NTP annual report, listed by IARC, or regulated by OSHA as a carcinogen. The abatement date was also extended to June 30.

As discussed at the conference, we would appreciate you sending us the OSHA interpretation letters regarding the requirement of 29 CFR 1910.1200(g)(2)(vii), specifically how the identified carcinogen sources are to be indicated.

We appreciate the time given to Vista to discuss and reach settlement on the citation.

Sincerely,



S. R. Ashby
Safety Director

kf

cc: RAC-TGG-WLM

VISTA

VVV 000017057

U.S. DEPARTMENT OF LABOR

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the Matter of: Vista Chemical Company

OSHA No. (s): 101806461 - T1655-283 -- Other Citation #1

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on April 22, 1986, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. The Employer and OSHA agree that the following citations and penalties (if any) are not being amended by this agreement:
4. OSHA agrees that the following citations and penalties are being amended as shown (see attachments):

VVV 000017058

5. The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.

6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the location of the violation/s referred to in paragraphs 3 and 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

William T. McElain, Esq.
FOR THE EMPLOYER

Paul J. Hansen, Jr. 5-2-86
FOR THE OCCUPATIONAL SAFETY
AND HEALTH ADMINISTRATION

5/2/86
DATE

NOTICE TO EMPLOYEES

The law gives you or your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest to the abatement dates of the citations amended in paragraph 4 of this Settlement Agreement must be mailed to the U.S. Department of Labor Area Office at 2156 Wooddale Boulevard, Hoover Annex Building, Suite 200, Baton Rouge, LA 70806, within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of this Settlement Agreement. You or your representative also have the right to object to any of the abatement dates set for violations referred to in paragraph 3 provided that the objection is mailed to the office shown above within the 15 working day period established by the original citation.

VVV 000017059

U.S. Department of Labor
Occupational Safety and Health Administration
Citation and Notification of Penalty

Baton Rouge Area Office
2150 Woodlawn Boulevard, Suite 200
Baton Rouge, LA 70806-1486
504/389-0474

1. Type of Violation(s)	2. Citation Number
OTHER	1.

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

9. To Vista Chemical Company
and its successors
P.O. Box 605
Westlake, LA 70669

10. Inspection Date(s): 3/25/86
11. Inspection Site: VCM Plant Road
Westlake, LA 70669

3. Issuance Date 4/22/86	4. Inspection Number 101806461
5. Reporting ID 025700	6. CSHO ID 71655
7. Optional Report No 283	8. Page No 1 of 4

This Section May Be Detached Before

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1910.1200(d)(2): Chemical manufacturer, importer, or employer who evaluated a chemical hazard did not identify and consider the available scientific evidence concerning such hazard:	<i>delete</i> (a) Ethylene Dichloride for signs of exposure data not only signs of over exposure. (b) Muratic Acid for signs of exposure data not only signs of over exposure.	5/16/86	\$0
2	29 CFR 1910.1200(d)(3): Chemical manufacturer, importer, or employer who evaluated chemicals did not treat the following sources as establishing that the chemicals listed in them are hazardous: (i) CFR Part 1910, Subpart E, Toxic and Hazardous Substance, Occupational Safety and Health Administration (OSHA) for: (a) Ethylene Dichloride		4/30/86 5/16/86	\$0
3	29 CFR 1910.1200(d)(4): Chemical manufacturers, importers and employers evaluating chemicals did not treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes: (i) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition); (ii) International Agency for Research on Cancer (IARC) Monographs (latest edition); (iii) 29 CFR Part 1910, Subpart E, Toxic and Hazardous Substances, Occupational Safety and Health Administration: (a) Ethylene Dichloride		5/16/86	\$0

17. Area Director

PAUL J. HENSEN, JR.

LAST PAGE

VVV 000017060

Citation and Notification of Penalty

Baton Rouge Area Office
2156 Wooddale Boulevard, Suite 200
Baton Rouge, LA 70806-1496
504/383-3474

1. Type of Violation(s)	2. Citation Number
OTHER	1

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

9. To: Vista Chemical Company
and its successors
P.O. Box 605
Westlake, LA 70669

Attn: Mr. S.R. Ashby, Safety Director

3. Issuance Date 4/22/86	4. Inspection Number 101066461
5. Reporting ID 625706	6. CSHO ID T1655
7. Optional Report No 203	8. Page No 2 of 4

10. Inspection Date(s):

3/25/86

11. Inspection Site:
VO: Plant Road
Westlake, LA 70669

This Section
May Be
Detached
Before
Posting

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
		(b) VC, Chloroethene (c) Heavy Ends EDC/VOM (d) Vinyl Chloride light ends by-product (e) Vinyl Chloride Monomer		
4	29 CFR 1910.1200(d)(5): Chemical manufacturer, importer, or employer who evaluated chemicals did not determine the hazards of mixtures of chemicals. The written procedures governing the evaluation of mixtures was not established in Vista's hazard determination and labeling of Vista products:	(a) Heavy Ends EDC/VOM (b) Vinyl Chloride light ends by-products.	5/16/86	\$0
5	29 CFR 1910.1200(f)(1)(iii): Chemical manufacturer, importer, or distributor did not ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the information specified in 29 CFR 1910.1200(f)(1)(i), (ii), and (iii): Labels lacked the name and address of the chemical manufacturer for:	(a) Vinyl Chloride (b) Vinyl Chloride light ends. (c) EDC/VOM heavy ends.	4/30/86 5/16/86	\$0

17. Area Director

PAUL J. HANSEN, JR.

LAST PAGE

VVV 000017061

Citation and Notification of Penalty

Baton Rouge Area Office
2156 Wooddale Boulevard, Suite 200
Baton Rouge, LA 70805-1486
504/389-0474

The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

1. Type of Violation(s)	2. Citation Number
OTHER	1

B. To

Vista Chemical Company
and its successors
P.O. Box 605
Westlake, LA 70669

Attn: Mr. S.R. Ashby, Safety Director

3. Issuance Date 4/22/86	4. Inspection Number 101806461
5. Reporting ID 625700	6. CSHQ ID T1455
7. Optional Report No 283	8. Page No 3 of 4

10. Inspection Date(s)

3/25/86

11. Inspection Site:

VCM Plant Road
Westlake, LA 70669

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Before

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
6	29 CFR 1910.1200(g)(2)(iv): Each material safety data sheet did not contain at least the information specified in 29 CFR 1910.1200 (g)(2)(iv):	<i>delete c.g.</i> The health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical. The signs of exposure data must be included on material safety data sheets not only signs of overexposure. (a) Ethylene Dichloride has inhalation (central nervous system, depression, nausea), ingestion (vomiting), skin or eye contact (dermatitis, and eye irritation), and skin absorption (corneal, opacity). (b) Muratic Acid has inhalation (inflammation, ulceration of the nose, ulceration of the throat), ingestion (cough and burn throat), skin or eye contact (choking, burning eyes, skin dermatitis).	5/23/86	\$0
7	29 CFR 1910.1200 (g)(2)(vi): Each material safety data sheet did not contain at least the information specified in 29 CFR 1910.1200 (g)(2)(vi):	(a) The OSHA permissible exposure limit for Ethylene Dichloride.	4/30/86 5/23/86 c.g.	\$0
8	29 CFR 1910.1200(g)(2)(vii): Each material safety data sheet did not contain at least the information specified in 29 CFR 1910.1200(g)(2)(vii): Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report of Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by OSHA:	(a) Ethylene Dichloride	4/30/86 5/23/86 c.g.	\$0

17. Area Director

PAUL J. HANSEN, JR.

Paul J. Hansen

18. Date

VVV 000017062

U.S. Department of Labor
Occupational Safety and Health Administration

Citation and Notification of Penalty

Baton Rouge Area Office
2154 Wooddale Boulevard, Suite 200
Baton Rouge, LA 70806-1486
504/389-0474

3. Issuance Date 4/22/86	6. Inspection Number 10100-101
8. Recording ID 625700	9. CUI ID 11635
7. Optional Report No. 283	8. Page No. 4 of 4

1. Type of Violation OTHER	2. Citation Number 1
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The violation(s) described in this Citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

10. Inspection Date(s):
3/25/86
11. Inspection Site:
VCI Plant Road
Westlake, LA 70669

12. To: Vista Chemical Company
and its successors
P.O. Box 605
Westlake, LA 70669

Attn: Mr. S.R. Ashby, Safety Director

The Secretary Be Detached Before Filing

13. Item Number	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
9	29 CFR 1910.1200(g)(2)(xi): Each material safety data sheet did not contain at least the information specified in 29 CFR 1910.1200(g)(2)(xi): The date of preparation of the material safety data sheet or the last change to it: (a) Hydrochloric Acid (Aqueous Solution) (b) Heavy Ends EDC/VCM (c) Vinyl Chloride Light Ends By-Product (d) VCM, Chloroethene (e) Ethylene Dichloride.	5/23/86	\$0
17. Area Director	PAUL J. HANSEN, JR. <i>Paul J. Hansen</i>		\$0

VVV 000017063

0516 ICP

VISTA CHEMICAL COMPANY
INCENTIVE COMPENSATION PLAN

Name T. G. Grumbles Position Environmental Quality Manager
Division Biomedical & Environmental Affairs Location Houston

OBJECTIVES

Submitted [Signature] Date 5/30/86
Approved [Signature] Date 30 May 86
Approved _____ Date _____

PERFORMANCE RESULTS

GOALS & OBJECTIVES

RATING	Outstanding Achievement	Exceeded Achievement	Achievement	Below Achievement
Rated By _____	_____	_____	_____	_____
Rated By _____	_____	_____	_____	_____
Final Rating _____	_____	_____	_____	_____

INDIVIDUAL EFFECTIVENESS

RATING	Exceptional	Competent	Needs Improvement
Rated By _____	_____	_____	_____
Rated By _____	_____	_____	_____
Final Rating _____	_____	_____	_____

Date: _____

RATER'S OVERALL COMMENTS (Optional): _____

FOR ELIGIBLE PARTICIPANTS OF DISCRETIONARY BONUS FUND

ICP Award Recommended?: _____ Yes _____ No If No, comments: _____

VVV 000017064

Part B Award Recommended?: _____ Yes _____ No If Yes, attach Worksheet:

Recommendation/Part B Fund of the Discretionary Bonus Fund.

VISTA CHEMICAL COMPANY
INCENTIVE COMPENSATION PLAN

Name Thomas G. Grumbles

GOALS & OBJECTIVES

Objectives by Key Result Areas	Results	Comments
* 1. To assure compliance with regulations governing new product development, recordkeeping and reporting, and existing chemical control by performing a Toxic Substances Control Act (TSCA) Review of Vista Operations.	*	*
* 2. Minimize waste production at Vista manufacturing facilities. Activities to include:	*	*
* a. Define Vista policy and scope of program.	*	*
* b. Form interdepartmental task group (Manufacturing, Engineering, R&D, and Environmental) to direct program.	*	*
* c. Define initial tasks such as a waste inventory to accomplish waste minimization.	*	*
* 3. To assure compliance with Department of Transportation regulations, work with S&T and Manufacturing to develop a regulatory audit program. Activities to include:	*	*
* a. Defining scope of program to include sample shipments and bill of lading procedures.	*	*
* b. Prepare an audit criteria and written guidelines.	*	*
* c. Schedule audits.	*	*

VVV 000017065

Name _____

Objectives by Key Result Areas	Results	Comments
4. Develop capability to produce Material Safety Data Sheets in-house by utilizing the Printronix® printer. Activities include:		
a. Identifying and reviewing candidate software systems.		
b. MSDS format and actual form design.		
c. Development of standardized MSDS language.		
	1. Assured compliance with OSHA Hazard Communication Standard product labeling requirements by working with Manufacturing, S&T, and Public Relations to develop labels and logistics for labeling.	
	2. Assisted in negotiating a cost-sharing agreement with Conoco for costs incurred to continue the ground-water assessment project at the LCCC.	

000017066
VVV

PG: ~~RF~~ ~~RF~~ RF
XF: Notice letters

May 14, 1986

VISTA

Mr. B. I. Raffle
Supervising Counsel
Environmental & Engineering Group
Conoco Legal Department
P.O. Box 2197
Houston, TX 77252

Certified Mail
Return Receipt Requested

Mr. H. J. Neeld
Director, Environmental Programs
Environmental Conservation
Conoco Inc.
P.O. Box 2197
Houston, TX 77252

Certified Mail
Return Receipt Requested

RE: U.S. v. Conoco EC-84-37-NB-D

Gentlemen:

Pursuant to the Asset Purchase Agreement dated as of July 20, 1984, among E.I. Du Pont de Nemours and Company, Conoco Inc., and Vista Chemical Company, and the Consent Decree entered in the above action, we hereby provide notice of recently-discovered information which may lead to the filing of an Environmental Claim.

Due to laboratory instrument failure at the Aberdeen Plant, PVC slurry samples have been sent to the LCVCM Plant for analysis since May 8. Initial results received for the May 8 samples are erratic, high and low, exceeding the normal range of slurry RVCM levels.

Analytical problems are suspected as the cause for these erratic results and action is being taken to resolve the problem. However, the problem may occur in other RVCM analysis results from the LCVCM.

Please contact me to discuss this matter.

Sincerely,



Thomas G. Grumbles, C.I.H.
Environmental Quality Manager

ajo/8

cc: W. L. McClain
J. C. Ledvina
J. Friend

VVV 000017067